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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,167	06/20/2001	Thomas C. Poff	IREA0002C	6707

22862 7590 12/17/2003

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EXAMINER

LE, UYEN T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,167

Applicant(s)

POFF ET AL.

Examiner

Uyen T. Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 7, 8, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (US 5,923,892) of record in parent application, in view of Marsh (US 5,621,434) of record in parent application.

Regarding claim 1, the claimed apparatus for accelerating a processor running an object-oriented programming language including hardware accelerator interfaced with said processor for implementing at least one application framework is met by the system of Levy comprising a host processor and coprocessor, the coprocessor executing platform-independent code to free the host processor for other tasks (see column 5, lines 38-42, column 6, lines 23-37). Claim 1, lines 4-6 "wherein said at least one application framework comprises a set of classes that embodies an abstract design for solutions to a number of related problems" merely read on the well known definition of an application framework as shown by Marsh (see column 4, line 44- column 6, line

65). Clearly, the system of Levy includes such a framework since a set of classes is indispensable to implement the Java virtual machine (see column 6, lines 50-56).

The claimed software stub is met when Levy shows that the procedure by which the host processor controls the coprocessor may be set forth in software (see column 6, lines 33-36).

Claim 15 merely differs from claim 1 by "a means for a software stub" instead of "a software stub", thus is rejected for the same reasons stated in claim 1 above.

Regarding claims 2, 16, the claimed hardware object management system interacting with said hardware accelerator merely manages instances of said application framework and the states of values assigned to said instances. Although not specifically shown by Levy, such a hardware object management system interacting with said hardware accelerator is indispensable to keep track of application instances in an object oriented environment. Therefore, it would have been obvious to one of ordinary skill in the art to include a hardware object management system while implementing the system of Levy in order to keep track of application instances.

Claim 4 corresponds to the method of claim 1, thus is rejected for the same reasons discussed in claim 1 above.

Regarding claim 7, although Levy does not explicitly mention that the hardware accelerator implements the Java.NET and Java.IO application frameworks, it is well known in the art that Java.NET is a core application framework providing classes for networking support and Java.IO provides the input and output classes for writing to and reading from streams and handling files. Therefore, it would have been obvious to one

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of ordinary skill in the art to include a Java.NET circuit to implement the Java.NET and Java.IO frameworks in the coprocessor of Levy in order to provide networking capability and alleviate the load of the main processor.

Regarding claim 8, a windowing /view system and a connectivity engine as claimed are indispensable to any Java user interface-based applet and application in a network system. Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed steps and to use the connectivity engine in said Java.NET circuit while implementing the method of Levy for the Java.NET and Java.IO frameworks to function.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,330,659. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

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Claims 1, 2, 3, 11, 12 and 15, 16, 17, 18, 19 of the present application merely repeat the features of claim 1 of the parent application, now US 6,330,659 with fewer limitations. However, it is obvious to remove limitations from a claim.

Claims 4-10, 13, 14 of the present application merely repeat the features of claim 11 of the parent application now US 6,330,659 with fewer limitations. However, it is obvious to remove limitations from a claim.

Claims 20-27, 28-37 of the present application merely repeat the features of claims 1, 12 of the parent application now US 6,330,659.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Uyen Le
Primary Examiner
Au 2171

12 December 2003